

ANNUAL REPORT

DIVISION OF STANDARDS

DONALD B. FALVEY, DIRECTOR

FISCAL YEAR ENDING JUNE 30, 1972

The Annual Report for the Fiscal Year 1972 signifies the first such report filed by the Division of Standards under the Reorganization Act, Chapter 704 of the Acts of 1969, which placed this Division within the Executive Office of Consumer Affairs. The assigning of an essentially weights and measures oriented division within a body of consumer service oriented agencies is a national trend. This is also recognized in the theme of the 1972 National Conference of Weights and Measures conducted by the National Bureau of Standards, "Weights and Measures"--the Consumer's Affair".

The Annual Report for the 1971 fiscal year was in the form of a historical presentation of the developments of weights and measures administration in this Commonwealth. This year's Annual Report will review in detail the current functions and operations of the Division of Standards and will cite some of its many accomplishments in the past year. It will be pointed out that the Division of Standards is not solely concerned with weights and measures but also deals with quality standards of certain important consumer products. It will outline some of the immediate goals of the Division and what steps are being taken or are in the process of

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being taken to attain some of these goals. Long range goals will be carefully analyzed during the coming year to chart a course of further action.

It might first be pointed out that the Division of Standards is one of the principal consumer protection and consumer service agencies within the structure of state government. Its activities cover a broad spectrum with major emphasis in the area of weights and measures enforcement that deal with all of the necessities of life. The Division acts as liaison between municipalities, industry and the National Bureau of Standards on measurement problems. Quality standards are maintained in the enforcement of the Motor Fuel Sales Act with respect to motor fuel and motor oils. More recent legislation relating to the control of standards of anti-freeze and heating oils are also within the purview of this Division. The Division enforces laws and regulations relating to unit pricing. The Division is the licensing agency for motor fuel dealers, hawkers and peddlers and transient vendors. This broadly summarizes the spheres of influence of the Division of Standards, but it is much more than this. The role that the Division of Standards plays in the daily life of all citizens of this Commonwealth and all areas of industry and agriculture will indeed point out that the Division

is indeed involved in the "Consumer's Affair"--and this includes all consumers--the public, industry, business and government.

The Director of Standards is charged with the custody of the State Primary Measurement Standards. These are the basic, physical measurement sources of mass, length and volume from which the entire state's commercial measurement program has its foundation. The Division is presently engaged in a program of receiving from the National Bureau of Standards new primary reference standards of mass, precision balances and primary linear and volumetric standards. This program provides for the distribution of equipment with a value of approximately \$80,000.00 without charge to each of the states that provide adequate laboratory facilities to receive this equipment. Although we have received the great bulk of the equipment provided for in this program, we are still encountering some difficulty in obtaining a suitable facility for the installation of the heavy capacity balance which has a load capacity of 5,000 pounds on each arm of the balance. Due to the structural design of the Leverett Saltonstall State Office Building where our Standards Laboratory is located, the load supporting limits of the building do not allow the installation of an equal arm balance with such an unusually high load capability.

We have been working with the Superintendent of Buildings to explore other areas within the State House complex but as yet have not been able to locate an adequate site. Recent conversation with the National Bureau of Standards resulted in their granting permission to locate this balance at a point somewhere outside the metropolitan area. We will be looking for an installation location in a State Building somewhere within the periphery of Route 128 which in the long run may prove to be more satisfactory than an intown location. Aside from the normal use of the balance, the transporting, receiving and custody of individual weights that have a nominal capacity as high as 5,000 pounds may be more satisfactory at a location that is less congested than the State Office Building or the State House area. The installation of the Russell balance and the receiving of several other pieces of equipment is one of the goals of the Division. This would then provide for the dedication and the formal turning over of the new State Standards to the Commonwealth of Massachusetts.

One of our recommendations on a long range goal basis would be the establishment of a State Measurements Center Building that would house our Motor Fuel Laboratory. Not only would this building be designed for operation of our present laboratory equipment, but there is significant

need for a central calibration facility for calibration of large capacity vehicle tank systems and likewise the need for a facility to calibrate gravity meters of high flow rate. The installation and use of master scales of high capacity would also be of significant aid in the program of testing heavy capacity equipment and large capacity weighing systems. It would provide for the garaging of our large capacity vehicle scale testing unit and its auxiliary equipment and also the 1000 gallon prover, which we hope in the future to replace with a more modern unit. The housing of both laboratories under one roof would also allow for some interplay of personnel assigned to these facilities.

The Division's Standards Measurement Laboratory calibrates and certifies reference and field standards for weights and measures officials throughout the Commonwealth. Another equally if not more significant area encompassed in our Laboratory is the calibration of weights, thermometers, volumetric standards and other measuring devices submitted by industrial and research organizations in this Commonwealth. Many of these firms are engaged in contracts with the military or other federal agencies and are required to furnish traceability to the National Bureau of Standards on their measuring instruments for the fulfillment of their

contracts. The Laboratory is able to provide this service in a minimum of time. The Standards Laboratory is often called upon for assistance by quality and quantity control divisions of various manufacturing firms in the Commonwealth. The Laboratory is deeply involved in the prototype approval program and in development of new methods of testing these weighing and measuring devices. Commercial devices which are conducive to laboratory testing are submitted on a regular basis. Under the Division's program for granting approval to manufacturers of clinical thermometers, these instruments are submitted to the Laboratory by manufacturers, inspectors, hospitals and others for testing. Periodic testing of thermometers from stocks of distributors are made on a random sample basis to insure compliance with standards. During the past year, manufacturers shipped in excess of 900,000 clinical thermometers into this Commonwealth. The clinical thermometer program assures the medical profession and the individual consumer that their supply of body temperature measuring devices are manufactured to standards which are considered to be the highest in the country.

The Standards Laboratory also performs work for other State and Federal agencies in certifying measuring instruments that are utilized in law enforcement.

In our Standards Laboratory during the past year, a total of 1,867 items were subjected to examination and of this number 1,729 were found to be accurate and 138 were found not to be within standard tolerance levels. Also 114 items were adjusted so that they did meet the required tolerance limits.

Section 5 of Chapter 98 provides that cities and towns shall keep standard weights and balances which were provided by the Commonwealth. These standards are to be tested by the Division of Standards either on the request of a weights and measures office or when this office deems such comparison should be made. The maintenance of required accuracy on reference and field standards provides the basic tool of weights and measures enforcement--the knowledge and confidence that testing equipment is accurate within required levels. It is through the facilities of this office that there is provided an unbroken, traceable relationship between the primary national measurement standards in the custody of the National Bureau of Standards, Washington, D.C. to the performance of a computing or pre-packaging scale in a supermarket or the gasoline dispensing device in a retail gasoline station. All commercial weighing and measuring devices in the Commonwealth have this traceable feature to the National Bureau of Standards.

Sections 29 and 32 of Chapter 98 give the Director of Standards broad powers with relation to weighing and measuring devices and the enforcement of laws relating to weights and measures. The lawmakers of this Commonwealth have long recognized that effective weights and measures administration is vital to the economic welfare of our state. It is a service of government that provides not only the consumer but all parties involved in commercial quantity transactions with protection relating to the cost and accuracy of quantity determination. The economic losses to our community would be chaotic if weights and measures enforcement were discontinued or weakened to a point of ineffectiveness. This is why the weights and measures effort should be recognized as the fundamental part of a well rounded consumer service program. It may be well at this time to review some statistics. Over eight billion dollars per year is spent in this Commonwealth on products and services that are weighed, measured or countered through some area under the jurisdiction of weights and measures administration. Recent food sales alone account for two and one half billion dollars of the retail customers food bill. Data from the Consumer Price Index spending pattern indicate that 42% of the food budget was spent on meat, poultry, fish and fresh fruits and vegetables which is in excess of one billion dollars.

Analyses made in this office based on our re-weighing inspections of pre-packaged food commodities in these categories indicate short weight and overcharges amounting to three tenths of one percent. On first glance this may seem somewhat small but when projected to overall spending in these classes of commodities it would amount to overcharges of 3.2 million dollars on an annual basis.

Retail sales of gasoline are in excess of 2.2 billion gallons per year in Massachusetts with an estimated value of 850 million dollars. Sales of No. 2 fuel oil for heating purposes are in excess of 2.1 billion gallons with consumer costs approaching 450 million dollars. It is rather interesting to note that Massachusetts is the second largest user of No. 2 fuel oil in the United States for home heating purposes. We are second only to the state of New York in sales of this class of commodity. In the new England area, Massachusetts consumes more than 50% of the total volume of No. 2 heating oil for the region as a whole. Fuel oil sales for all classes including No. 2, No. 4, No. 5 and No. 6 are in excess of 6 billion gallons. Total petroleum sales in Massachusetts approximate $8\frac{1}{2}$ billion gallons. In most instances there are two measurements of this product going from the bulk plant to the jobber or retailer and from the retailer to the ultimate consumer. These two measurements would project to almost 17 billion gallons of petroleum fuels that are meas-

ured commercially each year in the state of Massachusetts. Money values of this product have been determined to be 2.9 billion dollars within this sphere of commerce.

One can see merely from these two areas of food and fuel alone the economic impact related to accurate measurement administered through an alert weights and measures administrative program. Inspections relative to the giving of false or insufficient weights or measures involve a significant portion of this Division's activities. 96,936 food packages were checked by inspectors of this office to determine if actual quantity and price were in agreement with the marked quantity and price. 66,958 units were found correct. 18,897 were determined to be less than the marked weight and 11,203 were more than the labeled weight. Inspection and testing of metering systems delivering liquid fuel for heating purposes and for those dispensing motor fuels are also of great significance. 1300 inspections were made of the meter delivery and equipment requirements of vehicle tank metering systems delivering fuel for home heating purposes.

Section 29 also provides for the adoption by the Director of rules and regulations relative to the design and use of weighing and measuring devices. This covers a wide range of measuring devices including (all types ranging from jewelers and

pharmaceutical balances to large capacity vehicle scales), weights, liquid measuring devices, vehicle tank metering systems, liquefied petroleum gas measuring devices, liquid measures, vehicle tanks used as measures, farm milk tanks, measure containers, milk bottles, lubricating oil bottles, graduates, linear measures, fabric measuring devices, cordage measuring devices, taximeters, odometers, dry measures and berry baskets and boxes. The Division has the authority to make examination and test of prototype weighing and measuring devices. This examination is for the purpose of determining whether the design of the device is such to assure reasonably permanent accuracy and whether it may be used to facilitate the perpetration of fraud. After devices are approved, all inspectors and municipal weights and measures officials are notified of the results of such tests so that they may proceed accordingly when encountering a device of this type in the field. During the past year 85 devices were submitted to this office for prototype approval.

This Division has been given the responsibility of testing the metering systems in the Commonwealth involving the delivery of LPG under the provision of Section 28A of Chapter 98. This Division maintains a 100 gallon LPG prover which is the only one of its type in the Commonwealth.

During the period covered by this report 305 LPG metering systems were tested by this office and a substantial number of these devices were adjusted by the field inspector in charge of this program. The last report from the Bureau of Mines indicate that 71 million gallons of LPG was sold annually in Massachusetts with a value of approximately 21 million dollars.

The Division also plays a significant role in the dairy industry as a result of Section 46A of Chapter 98 which requires that each bulk milk tank shall be calibrated by this Division and conversion charts based on this calibration be provided for use with the tank. There are some 1200 dairy farms in this state some of which have more than one bulk tank. It is significant that in the eleven year period that we have been charged with this responsibility that both buyers and sellers of milk have had no adverse comments and that in audit programs conducted by Federal agencies in this field, our program has been considered most satisfactory. During the past year 207 bulk milk tanks were calibrated by inspectors from this office. The trend at this time is towards tanks of larger capacity with the nominal values ranging from 500 to 1000 gallons. Since the program was initiated we have calibrated 2,921 bulk tanks and performed re-tests on many of these installations as required by

statute. In 1971 over 600 million pounds of milk was produced in Massachusetts with an annual income of 47 million dollars to Massachusetts Dairy Farms. Again this points out the fact that "good measurement means money".

Section 33 of Chapter 98 requires that this Division annually inspect and test all weighing and measuring devices used in state institutions for the receipt and disbursement of supplies. During the past year 826 such devices were tested and 89 of these devices were adjusted by inspectors. These adjustments eliminated state expenditures in hiring professional service agencies to make such repairs.

Section 33A of Chapter 98 provides for the enforcement of weights and measures administration by the Division of Standards in all towns under 5,000 population. At the present time there are 165 towns in this category. During the past calendar year 11,386 weighing and measuring devices were tested by inspectors in these localities together with necessary inspections relating to the sale of food, fuel and other commodities. The following is a statistical analysis for weighing and measuring devices tested by this Division in towns under 5,000 population for the 1971 calendar year:

WEIGHING AND MEASURING DEVICES TESTED IN TOWNS UNDER 5,000

CALENDAR YEAR 1971

<u>Article</u>	<u>Sealed</u>	<u>Unsealed</u>	<u>Inaccurate</u>	<u>Adjusted</u>
General Scales	3,113	98	95	461
Heavy Capacity Scales	104	34	33	41
Drug Balances	56	0	0	13
Weights	4,062	16	14	36
Liquid Meas. Graduates	588	0	0	0
Gas, Oil, Grease Meters	2,970	77	60	611
Vehicle Tank Meters	326	18	12	126
Bulk Storage Meters	17	0	0	6
L.P.G. Meters	44	4	4	29
Linear Measures	<u>106</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total	11,386	247	218	1,323

Under the provisions of Section 32 of Chapter 98 aside from the testing and inspection of city and town standards the inspectors of this Division are also empowered to make inspections and tests of any weighing and measuring devices located in any city or town in the Commonwealth. During the past year 22,244 weighing and measuring devices were inspected and tested by inspectors of this Division throughout the Commonwealth. In those instances where the devices were found to be inaccurate or not sealed as required by law appropriate steps were taken by this office to insure conformance with the statutes. It will also be noted that inspectors adjusted the measuring elements on 1,911 of these devices to effect more accurate measurement in the buying

and selling of commodities. Assistance and instruction are also given to local weight and measures officials by inspectors of this office in advising them in methods of testing various types of weighing and measuring devices and other practical information relative to the administration of their office.

The following is a summary by classes of weighing and measuring devices of inspections and tests made by this office in areas other than those which we are required to administer by statute.

WEIGHING AND MEASURING DEVICES INSPECTED AND TESTED

<u>Article</u>	<u>Sealed</u>	<u>Unsealed</u>	<u>Accurate</u>	<u>Inaccurate</u>	<u>Adjusted</u>
Scales, General	7,109	238	7,141	206	656
Heavy Capacity Scales	334	111	334	111	47
Drug Balances	142	6	145	3	10
Wts.-Avd. Apoth. & Metric	5,103	58	5,133	28	58
Liquid Meas. Graduates	532	12	534	10	0
Gas. Oil, Grease Meters	3,123	139	3,168	94	615
Vehicle Tank Meters	851	125	959	17	185
Bulk Storage Meters	280	4	280	4	135
L.P.G. Meter Systems	297	8	297	8	203
Linear Measures	281	60	340	1	2
Clinical Thermometers	3,337	94	3,431	0	0
	<u>21,389</u>	<u>855</u>	<u>21,762</u>	<u>482</u>	<u>1,911</u>

This Division maintains a heavy capacity vehicle scale testing unit with the capability of transporting 34,000 pounds of certified test weights. During the past year 445 tests of large capacity scales ranging up to

150,000 pounds were tested by inspectors assigned to this specialized equipment. This unit is the only one of its type in the Commonwealth and all scales of this category are subject to examination with this test unit. Typical of the type of scale tested in this class are those used in sand and gravel operations, crush stone, scrap and waste, paving materials and a host of other endeavors in which truck weighings are required. Within some of the categories noted, product in excess of 352 million dollars generally passes over the weighing elements of these large scale units.

One of the goals of the Division is the establishment of a training program for all our inspectors and municipal weights and measures officials. Preliminary plans have been arranged for a Technical Training School to be conducted with the Office of Weights and Measures of the National Bureau of Standards to be held during the latter portion of November, 1972. It is planned to have additional Training Schools atleast on a annual basis for offering new insights to weights and measures officials of changes that are occurring constantly in the design and operation of weighing and measuring devices. The advent of electronic applications to weighing and measuring devices that were previously mechanical in all phases has introduced

sophistication of design.

During the past year this office cooperated with the National Bureau of Standards and certain local weights and measures officials in arranging and assisting in the testing of railway truck scales that were owned either by the railroad or by large manufacturing or industrial firms that were on railway lines. The National Bureau of Standards maintains a specialized railway track car with uniquely designed apparatus of a type that is not duplicated in any manner throughout the country. This test car travels from east to the west on a tight schedule and proper utilization of this equipment required effective coordination between National Bureau of Standards employees, railroads, scale servicemen, scale users and local weights and measures officials.

Under Section 37 of Chapter 98 each municipal weights and measures official is required to file an annual report with the Director of Standards citing certain required information relative to work performance which is maintained by this Division.

Section 44 of Chapter 98 provides that the Director shall issue rules and regulations governing the uses of leather measuring devices. Inspectors of this Division make tests of these devices and also conduct examinations

of employees in leather plants desiring to be certified as leather measurers. Section 1 of Chapter 95 indicates the requirement of certification by this office prior to such appointment. Although the number of leather measurers certified during the past year have decreased relative to previous years, this basically reflects the decline of the leather industry within this Commonwealth. There are still a number of plants, however, on the North Shore in particular, where leather measurers are certified annually and who must follow regulations provided by this office in measuring this commodity.

Section 46 of Chapter 98 gives to the Director of Standards certain responsibility with relation to examination of weighing and measuring devices used in industry for non-commercial purposes. Such examinations may entail in-plant testing or as previously noted may be the subject of examination and analyses in our Standards Laboratory. The great majority of the larger employers in this Commonwealth have availed themselves of our services. This includes companies such as the General Electric Company, Raytheon Manufacturing Company, Radio Corporation of America, Sylvania and many other manufacturing and research and development organizations. For example, during the past year the General Electric Co. installed a large capacity

torque testing unit in their gear plant at their W. Lynn River Works facility. To properly test this device, which was necessary to maintain their manufacturing capability, required 24,000 pounds of certified test weights. This office was able to cooperate with the General Electric Company by providing them with the necessary certified weights with traceability to the National Bureau of Standards for making the proper adjustments to their important manufacturing tool. Many of our inspectors during the course of their examination of measuring devices used in manufacturing plants are able to make concrete suggestions relative to their quantity control programs that will keep these firms within required legal obligations not only in this state but other states in which they do business. This is a valuable service in that they will not be cited for violations in other jurisdictions that may be costly from another point of view of fines or not having their goods removed from the market place.

Sections 9 through 14 of Chapter 98 deal with the provisions relating to the manufacture and sales of clinical thermometers. This has been a most effective program to insure that all medical facilities and other users of mercury-in-glass clinical thermometers will receive accurate instruments used for diagnosis. As noted previously there

are some 900,000 instruments of this class sold annually in this Commonwealth. Prior to being able to sell a clinical thermometer in this state a manufacturer must receive the approval of this office based upon submission of a substantial sample of his product. Random samples are also picked up at various outlets for testing in our Standards Laboratory.

Sections 14A, 15, 16, 18, 19, 20 and 22 of Chapter 98 deal with particular designs of volumetric containers as oil bottles, milk bottles, etc. that give to the Director the authority to grant to a manufacturer of such a device permission to affix the manufacturer's seal or mark to this class of product.

Sections 1 through 5 of Chapter 99 deals with the use of the metric system and provides that the Director may test and seal metric weights brought to him for that purpose. The subject of conversion to the metric system in the United States has been one that has received recent national publicity. The National Bureau of Standards has conducted an in depth survey of the implications of national conversion to the metric measuring system. Based upon this study a bill was filed in the U.S. Congress by the Department of Commerce which would provide for a voluntary conversion program that would cover a period of some 10 years. There is no doubt that this Division would have to play a signifi-

cant role in such a period of transition. Not only would we have to maintain our basic goal of effective weights and measures program but we would also have to be the central state office in setting up educational programs for consumers at all levels that would be effected by such a change. This would include the general public, manufacturers, distributors and all other segments of our population that deal in some way with weighing or measuring. The United States Senate did file a favorable report on the recommendations of the United States Department of Commerce; however, the matter did not reach the House of Representatives in time for action during the current session. There is no doubt that the time has come for serious consideration for changeover to the metric system as the Unites States is only one of a group of seven countries in the world who are now not presently using the metric system or committed to the use of the metric system. The other six countries in this group are only small recently emerged nations who have no industrial capability. This office has on hand considerable resource material relating to the study conducted by the National Bureau of Standards. We have held meetings and discussions with the Dean of Education at the University of Massachusetts and the Dean of Curriculae of the Massachusetts State Colleges System regarding teacher

training, teacher re-training and textbook design relating to the use of the metric system.

Under Section 3 of Chapter 97 calibration of measuring tapes have been made for land surveyors, engineering groups, public works officials and law enforcement agencies utilizing a 50 foot bench standard which has traceability to a National Bureau of Standards reference calibration.

Under the provisions of Section 87A and 87B of Chapter 41 the Director appoints certain persons employed by the Registry of Motor Vehicles and the Department of Utilities as weighers and measurers of commercial motor vehicles and trailers and the loads of such trailers. Appropriate records must be kept of such appointments in the event they must be attested to in Court.

Under Sections 7 through 10 of Chapter 94 the Director establishes rules and regulations relative to the manufacture and sale of bread. He also establishes tolerance levels relative to quantity determinations of such loaves. Prior to any court complaint being issued for violation of these sections, a hearing must be held before the Director.

This office enters into the enforcement of Section 92B of Chapter 94 relative to sales of meat, poultry and fish by weight and Section 96 relative to methods of sale

of fresh fruits and vegetables. Sections 98 and 99A relate to sizes of containers for sale of fruit and vegetables sold at wholesale and retail.

The Division enforces the provisions of Section 181 of Chapter 94 relating to the marking and labeling of quantity of contents of pre-packaged commodities. Section 182 provides for the adoption of rules and regulations relating to such marking. This office has recently adopted regulations that are in conformance with the requirements of the Fair Labeling and Packaging Act and regulations promulgated thereunder by the Food and Drug Administration and the Fair Trade Commission.

Under Sections 238 through 249F of Chapter 98, the Division has certain duties and functions relative to the sale of wood and coal. Surprisingly, a short time ago, a complaint relative to quality of coal was investigated and replacement made of a sizeable tonnage to an aggrieved consumer.

Sections 283 and 284 provide for inspection and approval or disapproval of certain categories of coin-operated devices. Devices are inspected to determine whether there are facilities for returning the coin in the event the device does not perform the service. With relation to amusement devices, local city and town officials

check for such approval prior to the issuance of local licenses. During the past year 84 examinations of prototype models of coin-operated devices were examined and tested by inspectors of this office.

Sections 285 through 287 of Chapter 94 deal with the manufacture and sale of thread and yarns providing for requirements of net quantity statements, tolerance levels on measurement and filing of brand names and trade marks with the Division.

Another significant area of the efforts of this Division is directed towards the enforcement of Sections 295A through 295-0 of Chapter 94 which are known and cited as the Motor Fuel Sales Act. It provides for the annual licensing of all retail dealers engaged in selling motor fuel or automotive lubricating oil at retail. This office issues regulations under authority of this statute governing the advertising and sale of motor fuel and motor oil. It provides for mandatory displays of price signs on motor fuel dispensing devices, requires that devices be turned back to zero prior to each delivery and that the computing price be the same as the posted price. It provides for labeling of viscosity classifications of motor oils and standard methods of test to determine conformance to such markings. It provides for basic quality reference standard

for motor fuels, particularly gasoline. During the past year 8,424 motor fuel outlets were inspected in connection with the enforcement of this Act. 17,504 gasoline measuring devices were subjected to inspections. Inspectors also picked up a substantial number of samples for quality testing in our Motor Fuel Laboratory. The Division maintains a Motor Fuel Laboratory in Arlington. The chief functions of this laboratory are:

(a) Conducting tests and analyses of gasoline and lubricating oil for the protection of the consumer from adulteration, substitution and mis-labeling in the sale of these products. During the past year 5,090 samples of gasoline were subjected to analyses. 116 samples of motor oil were tested and 336 octane numbers were determined.

(b) To conduct tests and chemical analyses of anti-freeze necessary in the enforcement of Chapter 94, Sections 303G through 303M, which establish authority for promulgation of minimum standards of quality for anti-freeze in order to assure the consumer of adequate and non-corrosive cooling system protection. During the past year the manufacturers submitted 139 samples of various brands of anti-freeze for examination prior to issuance of permits to sell this commodity.

(c) More recent legislation, Chapter 397 of the

Acts of 1971 provides for the testing and chemical analysis of various grades of fuel oil to determine compliance with minimum standards established by the Director of Standards. This assures the consumer of getting fuel oil of the proper grade and quality and will also aid in environmental air pollution control. This office has recently adopted regulations as provided for in the enabling legislation for standards of this product. We have received delivery of our last piece of laboratory equipment for examination of heating oils and have begun preliminary surveys to establish norms for testing procedures of this product.

This laboratory maintains an ASTM octane-rating engine, the only one of its type in the New England states. Our laboratory holds membership in the American Society for Testing and Materials (ASTM) and the Society of Automotive Engineers (SAE).

Section 303F of Chapter 94 provides for certain information relative to sale and delivery of fuel oils used for heating and cooking purposes. During the course of inspections of delivery of fuel oils, surveillance is made of the method of delivery, examination of the device and the inspection of appropriate certificates with the quantity and price marking noted on the certificate. During the past year 449 inspections were made by inspectors of

this Division relating to the delivery of home heating fuels.

The Division is the central licensing agency and is charged with the enforcement of General Laws, Chapter 101 relating to sales by transient vendors and hawkers and pedlers. With relation to transient vendors, aside from the license fee, the applicant must submit either a special deposit in the sum of \$500. or file a bond in that amount payable to the Director. During the past year 169 transient vendor licenses were issued by this office providing an income of \$4,225. With regard to hawkers and pedlers, the Division issues town, city and state licenses and also special state licenses for disabled veterans and the blind. During the past year 1,738 hawkers and pedlers licenses were issued by this Division that provided licensing fees of \$60,930. A complete breakdown of monetary values are included in our financial statement which is included in this report.

Chapter 6 of the General Laws, most recently amended by Chapter 885 of the Acts of 1970, provides that the Director of Standards enforce regulations adopted by the Consumers' Council relative to unit pricing. This type of policing of a new concept in consumer protection requires special attitudes in educating merchants of their responsibilities under the terms of Unit Pricing Regulations. During

the past year 761 retail outlets covered under the provision of the Unit Pricing Law were subjected to inspection.

Representatives of this Division attended a Seminar relating to unit pricing at the University of Massachusetts which was conducted under the auspices of the Consumers' Council, and of the University of Massachusetts. From those in attendance it was discovered that many jurisdictions outside the Commonwealth have also provided for a unit pricing regulation within their jurisdiction. The concept of unit pricing predicated on voluntary or mandatory principles is now national in scope.

During the past year 10 complaints were obtained from the District Court for violation of statutes falling within the enforcement responsibility of this Division. Successful prosecutions were conducted in areas such as false or insufficient weight in the sale of meat, false or insufficient weight in the sale of produce, insufficient measure in the sale of gasoline, insufficient measure in the sale of fuel oil for home heating purposes, fraud in the sale of home heating oil, adulteration of gasoline and in the case of a retail gasoline dispensing device where the computer price was set higher than the posted sale price of gasoline.

12 hearings were conducted at this office in those

instances where personal confrontation were needed to remedy a particular matter. In many instances warning letters on citations sent out from this office were able to correct undesirable situations.

The Division investigated 73 formal complaints that were registered with this office. Complaints covered a broad spectrum within the enforcement areas of the Division's activities. Typical were those alleging short weight and short measure in broad categories of consumer goods. Violations of the Motor Fuel Sales Act were also subjected to investigation. Complaints were also investigated relative to purchases of gasoline which alleged water delivered with the gasoline. This is generally caused by seepage into the stations' storage tanks. The gasoline companies involved invariably paid for damages or costs sustained by the motorist. The Division also cooperated with the Consumer Protection Division of the Attorney General's Office, the Consumers' Council and the Executive Office of Consumer Affairs on referrals of complaints to this office by these agencies.

Attached is a financial statement of the Division of Standards for the period January 1, 1971 through June 30, 1972.

DIVISION OF STANDARDS

FINANCIAL STATEMENT

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RECEIPTS

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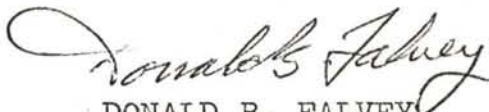
40-01-40	Fees for Testing Clinical Thermometers	\$	12.00
41-01-40	Court Fines for Violation of Law Relative to Hawker and Pedler Licenses and Transient Vendor Licenses, etc.		135.00
61-01-40	1,208 State License Fees		60,400.00
	Share of State Income from City and Town Licenses:		
	419 City	\$419.00	
	111 Town	<u>111.00</u>	530.00
61-02-40	169 Transient Vendor License Fees		4,225.00
61-03-40	Motor Fuel and/or Lubricating Motor Oil Licenses		101,940.00
61-04-40	Anti-freeze Permits		2,020.00
64-01-40	Received for Pedlers' Plates and Badges		4,012.00
66-01-40	Unclaimed Deposits		27.00
69-01-40	Fees Received for Miscellaneous Items		<u>527.70</u>
	TOTAL TRANSMITTED TO STATE TREASURER		\$173,828.70

PAYMENTS

PERSONAL SERVICES	\$329,091.56
GENERAL EXPENSES	<u>39,685.73</u>
<u>TOTAL PAYMENTS</u>	\$368,777.29

PAYMENTS TO CITY AND TOWN TREASURERS:

CITY	\$10,475.00
TOWN	<u>2,040.00</u>
	\$12,515.00


DONALD B. FALVEY
Director of Standards